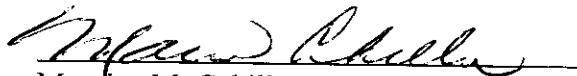


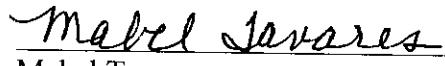
UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS  
WESTERN DIVISION

JDS UNIPHASE CORPORATION )  
BENEFITS COMMITTEE OF THE )  
JDS UNIPHASE CORPORATION )  
EMPLOYEE 401(K) RETIREMENT )  
PLAN, )  
Plaintiff )  
)  
vs. ) CIVIL ACTION NO. 05-11499-MAP  
)  
DAVID M. KORNACKI, ET AL )  
Defendants )

**CERTIFICATION**

Counsel and the undersigned hereby certify that they have conferred in order to establish a budget for the cost of conducting the full course of this litigation and to consider the resolution of the litigation through the use alternative dispute resolution.

  
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